

POLICY

Victims who have requested notification of certain events must receive prompt notice of those events.

PURPOSE

To clarify the juvenile justice specialist's (JJS) responsibility to fulfill the statutory obligations arising under the Crime Victim's Rights Act.

AUTHORITY

The Crime Victim's Rights Act, 1985 PA 87, as amended, MCL 780.770a.

PROCEDURE

Local Department of Human Services (DHS) offices will receive a completed DHS-4737, Victim's Rights Request forms (see RFF 4737) from victims requesting to be notified when the responsible youth is dismissed from DHS jurisdiction, transferred from a secure facility to a non-secure facility, escaped, notification of an upcoming home visit, legal name change and/or when the youth is detained for having committed a criminal violation.

When a youth is committed to the department under P. A. 150, or placed with the department for care and supervision, the prosecutor will provide the victim with the form letter. When notice is desired, the victim will sign the letter and mail it to the local DHS office. It is the responsibility of the victim to keep the department informed of any change in address or telephone number. The court, using the DHS-4737 or a court order, may also request such notice on behalf of the victim.

When notice is requested by the court or victim, the JJS must enter the request in the youth's case file. Files of youth for whom victims' notification has been requested must be clearly identified (in a manner such as highlighting the youth's name or the use of a specific colored folder).

Local office staff must establish procedures to receive notification during non-working hours when informed of a potential threat to the victim and the residential facility staff have not been able to make contact with the victim.

The JJS must include copies of the DHS-4737 and an after hours telephone number for the local contact point in the intake materials sent to any residential placement. When notified by the victim of a change of address, phone number or any other information regarding notice, the JJS must immediately notify the youth's residential placement of the change.

Court Ordered Victim Restitution Requirements

Delinquency cases in which victim restitution is ordered by the court, as a condition of probation, must be reviewed twice a year to determine if restitution is being made. The case record must be "flagged" in some manner so that it is easily identified as one having court ordered victim restitution.

The JJS is to review the case at the time of the progress review. If it is determined that restitution is not being made as ordered, the JJS must give notice to the court by way of a "Report of Non-Payment of Restitution," MC 258 or in a mutually agreed upon written format (check Microsoft Word templates for MC 0258 electronic format). The report must include a statement of the amount of arrearage and any reasons for the arrearage that are known to the JJS. A copy of the report must be provided to the prosecuting attorney.

Release from Secure Placement

At the time of the petition to the court for discharge or transfer of the youth from a secure residential placement to a non-secure setting, the JJS must ensure that written notice of the planned discharge or transfer has been sent to the victim. The residential facility director is responsible for sending written notice of any decision to discharge or transfer a youth to a non-secure setting to the JJS. The JJS is responsible for notifying victims of a youth's dismissal from DHS jurisdiction in all other situations. A copy of each victim notice must be retained in the youth's file.

Escape

In the event of escape from a residential facility, the facility staff should have primary responsibility for immediately notifying the victim, the court and the JJS. A victim notification letter must be completed by facility staff and sent regardless of whether telephone contact has been made with the victim. When notified of the escape

and informed that telephone contact has not been made, the JJS should attempt to make telephone contact with the victim. The JJS must continue to attempt to notify the victim by telephone, daily, at reasonable intervals, until it can be assured that a letter should have been received.

If informed that the safety of the victim may be threatened and the victim cannot be contacted by telephone, the JJS or local office staff covering non-working hours initiate delivery of a written notice to the last known address of the victim and must continue to attempt to contact the victim by telephone. Local office efforts should be coordinated with the facility staff who are required to notify the victim in these circumstances. A log contacting the dates and times contacts were attempted by telephone and a copy of the letter must be retained in the case file.

When a youth is apprehended, the JJS must notify the victim of the apprehension by first class mail.

Home Visits

While a youth is in residential placement, it is the responsibility of the facility to notify the victim and the JJS, in advance, of any planned home visits.